

EXHIBIT G

September 6, 2013

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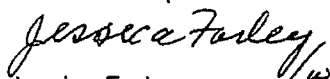

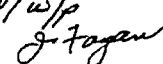
The Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1620
New York, New York 10007-1312

Re: Master File C.A. No. 1:00-1898, MDL No. 1358 (SAS) M21-88; *Commonwealth of Puerto Rico., et al. v. Shell Oil Co., et al.*; No. 07-CIV-10470

Dear Judge Scheindlin:

Defendant ConocoPhillips Company ("Defendant") respectfully submits the attached Affidavit in accordance with the Court's directive at the July 17, 2013 status conference that Defendant provide a signed affidavit explaining Defendant's efforts to locate batch properties reports and blending tickets for the years 1982 – 1994. See Tr. at 51:12-16.

Respectfully,


Jessica Farley 


JF
Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)

This Document Refers to:
COMMONWEALTH OF PUERTO RICO, ET AL
V. SHELL OIL CO., ET AL., NO. 07-1505

AFFIDAVIT

HECTOR A. MARIN, being duly sworn, deposes and states under penalty of perjury:

1. My name is Hector A. Marin. I am over the age of 18, and I have personal knowledge of the matters set forth herein based upon my years of employment, my research and review of records, all as described herein.
2. I have worked at the petrochemical facility in Guayama, Puerto Rico known as the "Core facility" since 1973, when I began as an Electrical Design Engineer. The facility was known as Phillips Puerto Rico Core Inc. through June 2000, after which the facility became known as Chevron Phillips Chemical Puerto Rico Core LLC. All operations at the facility ceased in 2008. I have continued to work at the facility in a caretaker capacity since the decommissioning of the plant.
3. MTBE was sometimes blended with gasoline at the Core facility from June 1982 through March 2000. Core also used other octane enhancers during that time – not always MTBE.
4. When blending a batch of gasoline, Core's tank farm operators followed the directions provided in Blending Tickets. A Blending Ticket was essentially a recipe for a batch of gasoline. A Blending Ticket for a gasoline batch indicated whether MTBE, or another octane enhancer, was to be blended with that batch. See Exemplar Blending Tickets attached hereto as Exhibit A. After a gasoline batch was blended, it was sampled and analyzed to ensure it met all the specs, then it was transferred to a finished gasoline tank. Batch Properties Reports reflect the results of such analysis. The Batch Properties Report would indicate whether the sample contained MTBE and, if so, the percent of MTBE present in the sample. See Exemplar Batch Properties Report, attached hereto as Exhibit B.
5. Blending Tickets and Batch Properties Reports have been located for the years 1995- 2001, and I am advised by legal counsel that they have been produced to the attorneys for the Commonwealth of Puerto Rico. After a diligent search of all sources where such records would likely be found, no Blending Tickets or Batch Properties Reports have been located

for the years 1982 through 1994. The efforts to locate such documents are described in detail below.

6. After the Core facility was decommissioned, paper files were sent to storage. Those files have been reviewed, and instructions were provided to the reviewers to look specifically for all Blending Tickets and Batch Properties Reports. No Blending Tickets or Batch Properties Reports for the years 1982 through 1994 could be located. Additionally, I personally reviewed the index of the boxes that are in storage and recommended particular boxes to be searched for Blending Tickets or Batch Properties Reports. No Blending Tickets or Batch Properties Reports for the years 1982 through 1994 could be located.
7. The electronic document management and filing system used by the Core facility is CPChem's "O Drive." Core's O Drive was copied prior to the decommissioning of the plant and has been available to search for responsive documents. I understand from Counsel that much of the information on the O Drive has been produced to the Commonwealth in this matter. I personally referred Counsel to specific folders in the O Drive where Blending Tickets or Batch Properties Reports would likely have been filed. Searches were also run across the O Drive for such documents. Despite these exhaustive efforts, no Blending Tickets or Batch Properties Reports for the years 1982 through 1994 could be located.
8. Core's gasoline sales documents, such as invoices, truck loading reports, and bills of lading, do not indicate whether a sale of gasoline contained MTBE or not, nor do they reference or identify the batch from which a sale was derived. *See Exemplar Truck Loading Reports and Bills of Lading*, attached hereto as Exhibit C. This is true for gasoline sales both within Puerto Rico as well as off-island sales. I am advised by Counsel that all gasoline sales documents have either been produced or made available to the Commonwealth in this matter. Sometimes lab analyses were attached to shipping documents and would indicate whether the gasoline batch being transported contained MTBE – I am advised that such documents have been produced as well to the Commonwealth in this matter. *See Exemplar Lab Analysis and Shipping Documents*, attached hereto as Exhibit D.
9. Under penalty of perjury, I declare that the forgoing is true and correct to the best of my knowledge.

In Guayama, Puerto Rico, this 6 day of September, 2013.

Hector A. Marin

Name: Hector A. Marin

affidavit # 6,850

Sworn to and subscribed before me by Hector A. Marin DIAZ, of the personal circumstances above mentioned, as authorized representative for Phillips Puerto Rico Core Inc. CHEVRON Phillips Chemical Puerto Rico Core LLC, personally known to me or who I have identified through his/her driver's license number 636548 issued by the Commonwealth of Puerto Rico, in Guayama, Puerto Rico, this 6 day of SEPTEMBER, 2013.

Notary Public # 5647

